

ENDORSED  
FILED  
ALAMEDA COUNTY  
MAY 21 2018

SUE PESKO

RICHARD M. FRANCO (CBN 170970)  
LAW OFFICE OF RICHARD M. FRANCO  
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Oakland, CA 94611  
Ph: 510-684-1022  
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Attorney for Plaintiff  
ENVIRONMENTAL RESEARCH CENTER, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ALAMEDA**

ENVIRONMENTAL RESEARCH CENTER,  
INC., a non-profit California corporation,

Plaintiff,

vs.

HEALTH WARRIOR, INC., a Delaware  
corporation,

Defendant.

Case No.

RG18905593

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.5, *et seq.*

Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this  
action in the interests of the general public and, on information and belief, hereby alleges:

**INTRODUCTION**

1. This action seeks to remedy the continuing failure of Defendant HEALTH  
WARRIOR, INC. ("HEALTH WARRIOR" or "DEFENDANT") to warn consumers in  
California that they are being exposed to lead, a substance known to the State of California to  
cause cancer, birth defects, and other reproductive harm. DEFENDANT manufactures,  
packages, distributes, markets, and/or sells in California the following products containing lead

(collectively, the "PRODUCTS"):

- **Health Warrior Superfood Protein Bar Dark Chocolate Coconut Sea Salt (lead)**
- **Health Warrior Chia Bar Superfood Banana Nut (lead)**
- **Health Warrior Chia Bar Superfood Dark Chocolate Cherry (lead)**

2. Lead (hereinafter, the "LISTED CHEMICAL") is a substance known to the State<sup>1</sup> of California to cause cancer, birth defects, and other reproductive harm.

3. The ingestion of the PRODUCTS causes exposure to the LISTED CHEMICAL at levels requiring a "clear and reasonable warning" under California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code") §25249.5, *et seq.* (also known as "Proposition 65"). DEFENDANT has failed to provide the health hazard warnings required by Proposition 65.

4. DEFENDANT's past and continued manufacturing, packaging, distributing, marketing, and/or sales of the PRODUCTS without the required health hazard warnings, causes or threatens to cause individuals to be involuntarily and unwittingly exposed to levels of the LISTED CHEMICAL that violate or threaten to violate Proposition 65.

5. PLAINTIFF seeks injunctive relief enjoining DEFENDANT from the continued manufacturing, packaging, distributing, marketing, and/or sales of the PRODUCTS in California without provision of clear and reasonable warnings regarding the risks of cancer, birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL through the ingestion of the PRODUCTS. PLAINTIFF seeks an injunctive order compelling DEFENDANT to bring its business practices into compliance with Proposition 65 by providing a clear and reasonable warning to each individual who has been and who in the future may be exposed to the LISTED CHEMICAL from the ingestion of the PRODUCTS. PLAINTIFF also

<sup>1</sup> All statutory and regulatory references herein are to California law, unless otherwise specified.

1 seeks an order compelling DEFENDANT to identify and locate each individual person who in  
2 the past has purchased the PRODUCTS, and to provide to each such purchaser a clear and  
3 reasonable warning that ingestion of the PRODUCTS will cause exposures to the LISTED  
4 CHEMICAL.

5 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil  
6 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by  
7 Proposition 65 to remedy DEFENDANT's failure to provide clear and reasonable warnings  
8 regarding exposures to the LISTED CHEMICAL.

#### 9 JURISDICTION AND VENUE

10 7. This Court has jurisdiction over this action pursuant to California Constitution  
11 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes  
12 except those given by statute to other trial courts." The statute under which this action is  
13 brought does not specify any other basis for jurisdiction.

14 8. This Court has jurisdiction over DEFENDANT because, based on information  
15 and belief, DEFENDANT is a business having sufficient minimum contacts with California, or  
16 otherwise intentionally availing itself of the California market through the manufacture,  
17 distribution and sale of the PRODUCTS in the State of California, to render the exercise of  
18 jurisdiction over it by the California courts consistent with traditional notions of fair play and  
19 substantial justice.

20 9. Venue in this action is proper in the Alameda Superior Court because the  
21 DEFENDANT has violated or threatens to violate California law in the County of Alameda.

22 10. On March 9, 2018, PLAINTIFF sent a 60-Day Notice of Proposition 65  
23 Violation to the requisite public enforcement agencies and to HEALTH WARRIOR. The  
24 Notice was issued pursuant to, and in compliance with, the requirements of H&S Code  
25 §25249.7(d) and the statute's implementing regulations regarding the notice of the violations to  
26 be given to certain public enforcement agencies and to the violators. The Notice included,

1 *inter alia*, the following information: the name, address, and telephone number of the noticing  
2 individuals; the name of the alleged violator; the statute violated; the approximate time period  
3 during which violations occurred; and descriptions of the violations, including the chemicals  
4 involved, the route of toxic exposure, and the specific product or type of product causing the  
5 violations, and was issued as follows:

- 6 a. DEFENDANT was provided a copy of the Notice by Certified Mail.
- 7 b. DEFENDANT was provided a copy of a document entitled "The Safe  
8 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A  
9 Summary," which is also known as Appendix A to Title 27 of CCR §25903.
- 10 c. The California Attorney General was provided a copy of the Notice via  
11 online submission.
- 12 d. The California Attorney General was provided with a Certificate of Merit by  
13 the attorney for the noticing parties, stating that there is a reasonable and  
14 meritorious case for this action, and attaching factual information sufficient  
15 to establish a basis for the certificate, including the identity of the persons  
16 consulted with and relied on by the certifier, and the facts, studies, or other  
17 data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2).
- 18 e. The district attorneys, city attorneys or prosecutors of each jurisdiction  
19 within which the PRODUCTS are offered for sale within California were  
20 provided with a copy of the Notice pursuant to H&S Code § 25249.7(d)(1).

21 11. At least 60-days have elapsed since PLAINTIFF sent the Notice to  
22 DEFENDANT. The appropriate public enforcement agencies have failed to commence and  
23 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against  
24 DEFENDANT based on the allegations herein.

25 **PARTIES**

26 12. PLAINTIFF ERC is a non-profit corporation organized under California's

1 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of  
2 hazardous and toxic substances, consumer protection, worker safety, and corporate  
3 responsibility.

4 13. ERC is a person within the meaning of H&S Code §25118 and brings this  
5 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

6 14. DEFENDANT HEALTH WARRIOR, INC. is a corporation organized  
7 under the State of Delaware's Corporation Law and is a person doing business within the  
8 meaning of H&S Code §25249.11.

9 15. DEFENDANT has manufactured, packaged, distributed, marketed, and /or sold  
10 the PRODUCTS for sale or use in California and the County of Alameda. ERC is informed and  
11 believes, and thereupon alleges, that DEFENDANT continues to manufacture, package,  
12 distribute, market and/or sell the PRODUCTS for sale or use in California and in Alameda  
13 County. DEFENDANT knows and intends that the PRODUCTS are distributed, marketed and  
14 sold to consumers in California.

#### 15 STATUTORY BACKGROUND

16 16. The People of the State of California have declared in Proposition 65 their right  
17 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other  
18 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

19 17. To effect this goal, Proposition 65 requires that individuals be provided with a  
20 "clear and reasonable warning" before being exposed to substances listed by the State of  
21 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent  
22 part:

23 No person in the course of doing business shall knowingly and intentionally  
24 expose any individual to a chemical known to the state to cause cancer or  
25 reproductive toxicity without first giving clear and reasonable warning to such  
individual....

26 18. "'Knowingly' refers only to knowledge of the fact that a discharge of, release of,

1 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No  
2 knowledge that the discharge, release or exposure is unlawful is required.” (27 California Code  
3 of Regulations (“CCR”) § 25102(n).)

4 19. Proposition 65 provides that any “person who violates or threatens to violate” the  
5 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase  
6 “threaten to violate” is defined to mean creating “a condition in which there is a substantial  
7 probability that a violation will occur” (H&S Code §25249.11(e)). Violators are liable for civil  
8 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

### 9 FACTUAL BACKGROUND

10 20. On February 27, 1987, the State of California officially listed the chemical lead  
11 as a chemical known to cause reproductive toxicity. Lead became subject to the warning  
12 requirement one year later and was therefore subject to the “clear and reasonable” warning  
13 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;  
14 H&S Code §25249.5, *et seq.*). Due to the high toxicity of lead, the maximum allowable dose  
15 level (MADL) for lead is 0.5 µg/day (micrograms a day) for reproductive toxicity. (27 CCR  
16 § 25805(b).)

17 21. On October 1, 1992, the State of California officially listed the chemicals lead  
18 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became  
19 subject to the warning requirement one year later and were therefore subject to the “clear and  
20 reasonable” warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §  
21 25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no  
22 significant risk level for lead is 15 µg/day (micrograms a day). (27 CCR § 25705(b)(1).)

23 22. To test DEFENDANT’s PRODUCTS for lead, PLAINTIFF hired a well-  
24 respected and accredited testing laboratory. The results of testing undertaken by PLAINTIFF  
25 of DEFENDANT’s PRODUCTS show that the PRODUCTS tested were in violation of the 0.5  
26 µg/day “safe harbor” daily dose limit for lead set forth in Proposition 65’s regulations. It is



1 significant that people are being exposed to lead through ingestion as opposed to less harmful  
2 methods of exposure such as dermal exposure. Ingestion of lead produces higher exposure  
3 levels and health risks than dermal exposure to these chemicals.

4 23. At all times relevant to this action, DEFENDANT, therefore, has knowingly and  
5 intentionally exposed the consumers of the PRODUCTS to the LISTED CHEMICAL without  
6 first giving a clear and reasonable warning to such individuals.

7 24. The PRODUCTS have allegedly been sold by DEFENDANT for use in  
8 California since at least March 9, 2015. The PRODUCTS continue to be distributed and  
9 sold in California without the requisite warning information.

10 25. On March 9, 2018, ERC served DEFENDANT and each of the appropriate  
11 public enforcement agencies with a Proposition 65 Notice, a document entitled "Notice of  
12 Violations of California Health & Safety Code Section 25249.5" that provided DEFENDANT  
13 and the public enforcement agencies with notice that DEFENDANT was in violation of  
14 Proposition 65 for failing to warn purchasers and individuals using the PRODUCTS that the  
15 ingestion of the PRODUCTS exposes them to lead, a chemical known to the State of California  
16 to cause cancer and/or reproductive toxicity (a true and correct copy of the 60-Day Notice is  
17 attached hereto as **Exhibit A** and incorporated by reference).

18 26. As a proximate result of acts by DEFENDANT, as a person in the course of  
19 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout  
20 the State of California, including in the County of Alameda, have been exposed to the LISTED  
21 CHEMICAL without a clear and reasonable warning. The individuals subject to the illegal  
22 exposures include normal and foreseeable consumers of the PRODUCTS, as well as all other  
23 persons exposed to the PRODUCTS.

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**FIRST CAUSE OF ACTION**  
**(Injunctive Relief for Violations of Health and Safety Code § 25249.5, *et seq.* concerning  
the PRODUCTS described in the March 9, 2018, Prop. 65 Notice)**  
**Against DEFENDANT**

27. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 26, inclusive, as if specifically set forth herein.

28. By committing the acts alleged in this Complaint, DEFENDANT, at all times relevant to this action, and continuing through the present, has violated or threatens to violate H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals who ingest the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and 25249.11(f).

29. By the above-described acts, DEFENDANT has violated or threatens to violate H&S Code § 25249.6 and is therefore subject to an injunction ordering DEFENDANT to stop violating Proposition 65, to provide warnings to all present and future customers, and to provide warnings to DEFENDANT's past customers who purchased or ingested the PRODUCTS without receiving a clear and reasonable warning.

30. An action for injunctive relief under Proposition 65 is specifically authorized by Health & Safety Code §25249.7(a).

31. Continuing commission by DEFENDANT of the acts alleged above will irreparably harm the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

Wherefore, PLAINTIFF prays for judgment against DEFENDANT, as set forth hereafter.

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1                                   **SECOND CAUSE OF ACTION**  
2   **(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the**  
3                                   **PRODUCTS described in PLAINTIFF's Notice)**  
4                                   **Against DEFENDANT**

5           32.    PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 31,  
6 inclusive, as if specifically set forth herein.

7           33.    By committing the acts alleged in this Complaint, DEFENDANT at all times  
8 relevant to this action, and continuing through the present, has violated H&S Code §25249.6  
9 by, in the course of doing business, knowingly and intentionally exposing individuals who  
10 ingest the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first  
11 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§  
12 25249.6 and 25249.11(f).

13           34.    By the above-described acts, DEFENDANT is liable, pursuant to H&S Code  
14 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to  
15 the LISTED CHEMICAL from the PRODUCTS.

16           Wherefore, PLAINTIFF prays for judgment against DEFENDANT, as set forth  
17 hereafter.

18                                   **THE NEED FOR INJUNCTIVE RELIEF**

19           35.    PLAINTIFF re-alleges and incorporates by this reference Paragraphs 1 through  
20 34, as if set forth below.

21           36.    By committing the acts alleged in this Complaint, DEFENDANT has caused or  
22 threatens to cause irreparable harm for which there is no plain, speedy or adequate remedy at  
23 law. In the absence of equitable relief, DEFENDANT will continue to create a substantial risk  
24 of irreparable injury by continuing to cause or threatening to cause consumers to be  
25 involuntarily and unwittingly exposed to the LISTED CHEMICAL through the ingestion of the  
26 PRODUCTS.

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1 **PRAYER FOR RELIEF**

2 Wherefore, PLAINTIFF accordingly prays for the following relief:

3 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),  
4 enjoining DEFENDANT, its agents, employees, assigns, and all persons acting in concert or  
5 participating with DEFENDANT, from distributing or selling the PRODUCTS in California  
6 without first providing a clear and reasonable warning, within the meaning of Proposition 65,  
7 that the consumers of the PRODUCTS are exposed to the LISTED CHEMICAL;

8 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling  
9 DEFENDANT to identify and locate each individual who has purchased the PRODUCTS since  
10 March 9, 2015, and to provide a warning to such person that ingestion of the PRODUCTS will  
11 expose the consumer to chemicals known to cause birth defects and other reproductive harm;

12 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),  
13 against DEFENDANT in the amount of \$2,500 per day for each violation of Proposition 65;

14 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit  
15 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further  
16 application to the Court; and,

17 E. such other and further relief as may be just and proper.  
18

19 DATED: May 21, 2018

LAW OFFICE OF RICHARD M. FRANCO

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22 Richard M. Franco  
23 Attorney for Plaintiff  
24 Environmental Research Center, Inc.  
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# EXHIBIT A

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## LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE  
OAKLAND, CA 94611  
510.684.1022  
RICK@RFRANCOLAW.COM

### VIA CERTIFIED MAIL

Current President or CEO  
Health Warrior, Inc.  
1707 Summit Avenue  
Richmond, VA 23230

The Corporation Trust Company  
(Registered Agent for Health Warrior, Inc.)  
Corporation Trust Center  
1209 N Orange Street  
Wilmington, DE 19801

Shane Emmett  
(Registered Agent for Health Warrior, Inc.)  
1707 Summit Avenue  
Richmond, VA 23230

### VIA ELECTRONIC MAIL

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator  
Lassen County  
220 S. Lassen Street  
Susanville, CA 96130  
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

### VIA ELECTRONIC MAIL

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gregory.alker@sfgov.org

Tori Verber Salazar, District Attorney  
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222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org

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Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

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**VIA ELECTRONIC MAIL**

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701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

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**VIA ELECTRONIC MAIL**

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800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

**VIA FIRST CLASS MAIL**

District Attorneys of Select California  
Counties and Select City Attorneys  
(See Attached Certificate of Service)

**Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

**Health Warrior, Inc.**

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

1. **Health Warrior Superfood Protein Bar Dark Chocolate Coconut Sea Salt - Lead**
2. **Health Warrior Chia Bar Superfood Banana Nut - Lead**
3. **Health Warrior Chia Bar Superfood Dark Chocolate Cherry - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which has exposed and continues to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since March 9, 2015, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time-consuming litigation.

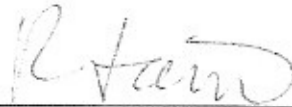


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ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rick Franco", written over a horizontal line.

Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Health Warrior, Inc. and its Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

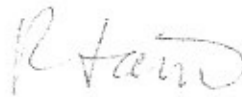
**CERTIFICATE OF MERIT**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Health Warrior, Inc.**

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that are the subject of the notice.
4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 9, 2018



Rick Franco

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On March 9, 2018 between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO  
Health Warrior, Inc.  
1707 Summit Avenue  
Richmond, VA 23230

Shane Emmett  
(Registered Agent for Health Warrior, Inc.)  
1707 Summit Avenue  
Richmond, VA 23230

The Corporation Trust Company  
(Registered Agent for Health Warrior, Inc.)  
Corporation Trust Center  
1209 N Orange Street  
Wilmington, DE 19801

On March 9, 2018, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On March 9, 2018 between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

Michelle Latimer, Program Coordinator  
Lassen County  
220 S. Lassen Street  
Susanville, CA 96130  
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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*  
March 9, 2018  
Page 7

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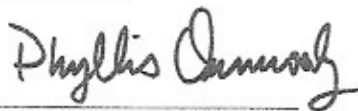
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On March 9, 2018 between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents:  
**NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;**  
**CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on March 9, 2018, in Fort Oglethorpe, Georgia.

  
Phyllis Dunwoody

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 9, 2018

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